

VZCZCXRO6733
OO RUEHCHI RUEHCN RUEHDT RUEHHM
DE RUEHJA #0295 0440917
ZNY CCCCC ZZH
O 130917Z FEB 08
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7980
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 1998
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEHKO/AMEMBASSY TOKYO 1520
RUEHWL/AMEMBASSY WELLINGTON 2322
RHHJJPI/USPACOM HONOLULU HI
RHMCSUU/FBI WASHINGTON DC
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L JAKARTA 000295

SIPDIS

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR BOULDIN/BUHLER
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR E.PHU

E.O. 12958: DECL: 02/13/2018

TAGS: [PGOV](#) [KJUS](#) [PTER](#) [ID](#)

SUBJECT: BALI BOMBERS' CASE HEADS BACK TO COURT

REF: A. JAKARTA 228

[1](#)B. JAKARTA 167

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: A court in Bali has scheduled a hearing in the case of the terrorists on death row for carrying out the 2002 Bali bombings. Lawyers for the three men submitted an unusual second request for review of the case in January. The Bali court's action suggests that the Supreme Court will allow the request to go forward despite earlier statements that the law did not entitle the convicted terrorists to a second review. While the bombers' sentences will almost certainly be upheld yet again, the process could possibly delay the execution of the three men by up to several months.
END SUMMARY.

[1](#)2. (U) A NEW HEARING: The District Court in Denpasar, Bali, has scheduled a hearing for the three Bali bombers on February 25. The three convicted terrorists--Amrozi bin Nurhasyim, Imam Samudra and Ali Gufron alias "Muklas"--were sentenced to death for carrying out the 2002 attack that killed 202 people. Their sentences were upheld twice on appeal and a request for judicial review of the decision was rejected by the Supreme Court in 2007.

[1](#)3. (SBU) In January, however, Muslim Defense Team (TPM) chief lawyer Ahmad Michdan filed an unusual second request for a judicial review of the case (ref B). According to Michdan, the Supreme Court's rejection of the first judicial review was invalid because the TPM did not have an opportunity to present evidence to support its request. (Note: In fact, the TPM boycotted the January 2007 court hearing in Bali to protest the fact that its request for a change of venue to Central Java--where the prisoners were being held--had been ignored by the Court.)

[1](#)4. (SBU) SHIFTS IN LEGAL PROCEDURE?: The Bali District Court's announcement in effect reflects a revision of the Supreme Court's original position and usual practice, which was that the law did not provide for a second judicial review, and that the original decision was final and binding

(ref A). Moreover, in another legal oddity, the second request was filed in Central Java even though the Supreme Court never approved the TPM's earlier request to move the case from its original jurisdiction in Bali.

15. (SBU) This new Supreme Court position may have been spurred by the Attorney General's Office in Jakarta, which recently announced that it would not carry out the executions until the Court ruled on the new request. This would represent a change on the AGO's part as well, having earlier indicated that the executions would take place soon after the expiration of a 30-day period in which the bombers could request presidential clemency. That deadline expired on February 2 without any such request.

16. (C) BUYING TIME: The second request for a judicial review will ultimately be decided by the Supreme Court, which has already upheld the sentences against the three bombers on two separate occasions. There is little reason to think that the outcome will be any different this time, though some of the legal twists and turns described above may raise small flags. In any case, the whole process of resolution could take several months at the very least. Once again, the TPM has found a way to keep its clients around a little bit longer. That said, we continue to believe that the GOI intends to execute the three once it is satisfied that the legal process is fully complete.

HEFFERN